IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 13191 of 2005

Between:

Mr. Talasila Venkata Ratnam, S/o. Venkata Subbayya,
R/o. Muggalla Village, Sitanagaram Mandal,
East Godavari District.

..... PETITIONER

AND

1 The Assistant Commissioner, Endowments Department,
Rajamundry, East Godavari District.
2 The Regional Joint Commissioner, Multi-Zone-I, Endowments Department, Kakinada, East Godavari District.
3 The Manager/Executive Officer, Sri Komareswara Swamy Temple, Muggulla, Sitanagaram Mandal, East Godavari District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more in the nature of Mandamus declaring the highhanded action of the 3rd respondent in seeking to auction leasehold rights of the property situated in R.S.Nos. 285 and 725, admeasuring Ac. 4.51 Cents and Ac. 5.61 cents of Muggalla and Raghudevapuram respectively, Sitanagaram Mandal, East Godavari District, pending disposal appeal No. 157/2005 on the file of the 2nd Respondent, as arbitrary, illegal, colourable exercise of power, violative of the procedure contemplated under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 and the Rules made there under, apart from being violative of Fundamental Right guaranteed under Article 199(1)(g) and the constitutional Right guaranteed under Articles 300-A of the Constitutional of India and consequently direct the 3rd respondent not to conduct auction of the said properties pending disposal of the appeal before the 2nd respondent.

Counsel for the Petitioner:MR.S.SRINIVAS REDDY

Counsel for the Respondents.: GP FOR ENDOWMENTS

The Court made the following :

ORDER:

1. Heard Sri S.Srinivas Reddy, learned counsel appearing for the petitioner and learned Government Pleader appearing on behalf of the Respondents.

2. This writ petition itself is taken up for hearing with the consent of both the parties and is disposed of at the stage of admission.

3. This writ petition is filed to declare the highhanded action of the 3rd respondent in seeking to auction leasehold rights of the property situated in R.S.Nos. 285 and 725, admeasuring Ac. 4-51 cents and Ac.5-61 cents of Muggulla and Raghudevapuram, Sitanagaram Mandal, East Godavari District pending disposal of appeal No.157/2005 on the file of the 2nd respondent as arbitrary and illegal.

4. The 1st respondent through proceedings in M.A.No.562/2005, dated 6-6-2005 held that the petitioner is not a small farmer as defined under the provisions of the Act and as such he is not entitled to the relief as prayed for, and accordingly rejected the request of the petitioner. Against the order of the 1st respondent the petitioner preferred an appeal under Rule 4, of Rules framed under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987, to the 2nd respondent. Sri S. Srinivas Reddy, learned counsel for the petitioner submits that the 2nd respondent on hearing the appeal adjourned the matter to 20-7-2005 calling for the records from the 1st respondent and in the interregnum the 3rd respondent has again issued notice proposing to conduct auction on 21-6-2005, of the lands which were earlier leased out to the petitioner. He submits that finalization of the auction would cause injustice to the petitioner and the appeal filed by him would become futile inasmuch as 3rd party interests would intervene.

5. While, the auction pursuant to the notification issued by the 3rd respondent may

go on, there shall however be a direction to the respondents not to finalize the auction pending disposal of the appeal filed by the petitioner before the 2nd respondent. The 2nd respondent shall hear and decide the appeal as expeditiously as possible not later than 31-7-2005.

6. The writ petition is disposed of accordingly. No order as to costs.

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Ramesh Ranganathan,J.

21st June, 2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Assistant Commissioner, Endowments Department,
Rajamundry, East Godavari District.
2 The Regional Joint Commissioner, Multi-Zone-I, Endowments
Department, Kakinada, East Godavari District.
3 The Manager/Executive Officer, Sri Komareswara Swamy Temple, Muggulla,
Sitanagaram Mandal, East Godavari District.

4. 2 CCs to G.P. for Endowments, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

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